

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

ALEXANDER B. MORALES,

Petitioner,

vs.

WARDEN OF MONTANA STATE  
PRISON,

Respondent.

CV 21–60–BU–BMM–JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on August 26, 2021. (Doc. 9). Judge Johnston recommended that Petitioner Alexander B. Morales’s Amended Petition for Writ of Habeas Corpus (Doc. 5) be DENIED; that the Clerk of Court should be directed to enter by separate document a judgment in favor of Respondents and against Petitioner; and that a certificate of appealability should be DENIED.

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000) (citations omitted). The Court finds no error in Judge Johnston's Findings and Recommendations and adopts them in full.

**ORDER**

Accordingly, **IT IS ORDERED:**

1. Morales's Amended Petition for Writ of Habeas Corpus (Doc. 5) is **DENIED**.
2. The Clerk of Court is directed to enter by separate document a judgment in favor of Respondents and against Petitioner.
3. A certificate of appealability is **DENIED**.

DATED this 27th day of September, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court